

Appl. No. 10/708,456
Amendment dated July 20, 2005
Reply to Office Action of April 20, 2005

Remarks/Arguments

The claims currently presented in the application are 1 and 4-7. Claims 2, 3, and 8-10 are canceled. Claims 1, 4 and 5 are amended.

Rejection under 35 USC 102(b):

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 4,746,152 to Willcox. The present remarks/arguments are directed to subject matter appearing in original claim 3, which was rejected on the basis that Willcox discloses "a stop (the periphery of 56) operating between the keeper and the latch bar and limiting the entry of the latch bar into the reception passage . . ."

The cited anticipating structure (the periphery of a slot 56) is a slot within the bolt housing – not the keeper – of the Willcox lock. It would neither be accurate nor within the meaning of applicant's claim to assert that a stop constructed according to Willcox is operating "between the keeper and the latch bar" because the Willcox keeper has no interaction with the Willcox stop. In fact, the Willcox stop requires no keeper for its operation. It limits movement of the Willcox latch bar only with respect to the Willcox bolt housing.

In contrast, the improvement claimed in applicant's original claim 3 is that a stop, now for clarity called a "keeper end stop," interacts between the keeper and the latch bar to properly align the latch bar with the cross-latch. As disclosed in the specification at amended paragraph [0038], "the plunger head serves as a means for stopping the keeper end stop or second end stop 28 in channel 46 at a position with cavity 26 exactly in alignment with plunger head 52." Achieving this proper alignment is important because the plunger head (i.e., the cross-latch) must align with cavity 26 in order to lock the latch bar in the keeper.

While it might be possible to perfectly install the Willcox lock such that a proper alignment is achieved when the pin (38) is at the end of slot (56), such arrangement lacks applicant's more reliable and durable arrangement. The Willcox lock allows very little tolerance for change even after a perfect installation. For example, if a cabinet were to swell in high humidity or a cabinet door were loose on its hinges, the Willcox slot (56) could prevent the Willcox latch bar from reaching a suitable depth in the keeper to receive the cross-latch.

In contrast, applicant's latch bar has considerable variation in how far it can be inserted into the keeper (specification at [0024] – [0025]). This allowed variation permits the "keeper end stop" to properly align the latch bar in the keeper on an empirical basis every time the lock is used. Thus, tight tolerances are unlikely to be at issue, and applicant's lock should function properly despite a reasonable degree of warpage or swelling in the

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structure carrying the lock, or other changes in distance between the bolt housing and keeper.

Rejection under 35 USC 103:

U.S. Patent 4,744,392 to Tade is cited in combination with Willcox against claims 5 and 6 as teaching a rib and matching channel. However, Tade's rib is unrelated to providing a stop function for aligning a latch plate with a cross-latch. Thus, Tade does not make obvious the subject matter of claims 5 and 6 in the amended claim set.

Amendments to the Claims:

Claim 1 is amended to add the keeper end stop of claim 3. This claim specifies that the keeper end stop is "operating between the keeper and the latch bar . . ." This quoted phrase should be construed as requiring a stop that interacts between the keeper and latch bar. Thus, a stop that operates only between a latch bar and a bolt housing (as contrasted to a keeper housing) should fall outside the scope of the quoted claim language.

Claim 4 claims the non-rotatable nature of the latch bar, which is important for proper alignment between the latch bar and the cross-latch. Claim 5 is amended to better identify that the "keeper end" of the rib can be the "keeper end stop." Claim 6 claims features of the rib, which relate to the proper operation and alignment of the keeper end stop. Claim 7 contains subject matter previously identified as allowable. Thus, the allowable subject matter of each claim remaining in the case has been specifically pointed out.

The specification is amended at paragraphs [0030] and [0038] to provide antecedent basis for language of the claims. No new matter is introduced.

In light of the above amendment, the claims are believed to be in condition for allowance. Applicant respectfully requests that a prompt Notice of Allowance be issued in the above case.

Respectfully submitted,



Kyle W. Rost, Reg. No. 27943
Attorney for Applicant

5490 S. Autumn Court
Greenwood Village, CO 80111-3417
Telephone 720-528-8863
Facsimile 720-528-8864
Email rost@usa.net